

UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA

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MARK PICOZZI,

Plaintiff,

v.

STATE OF NEVADA, *et al.*

Defendants.

Case No. 2:22-cv-01011-ART-EJY

**ORDER**

On February 3, 2023, the Court entered an Order requiring the Attorney General's Office ("AG's Office") to file a notice advising the Court and Plaintiff (1) of the names of those defendants on whose behalf it would accept service, and (2) the names and addresses of those defendants for whom it would not accept service. ECF No. 72 at 2. The last known addresses for those defendants the Attorney General would not be representing were to be filed under seal. *Id.*

On February 24, 2023, the AG's Office filed a response to the Court's Order stating service is "accepted on behalf of Julie Williams, Jennifer Nash, Ronald Oliver, Gregory Bryan, Gregory Martin, George Pele-Taino, Jaymie Cabrera, Rio Manalang, Tonya Perry, Jason Arrey (sued as "Arrey"), Francis Moka, Dontril Livingston (sued as "Livingston"), Dean Ontiveros, Alfonso Alvarez (sued as "A. Alvarez"), Danyele Madsen, and William Kuloloia." ECF No. 74. The AG's Office did not accept service on behalf of Dante Famy, Kristi Roberson, Marie Cervas (sued as "Marie Cervanes"), James Scally, Robin Hennequin (sued as "Hennequin"), Jay Barth (sued as "J. Barth"), Nick, Mark, Graham, Torres, or unnamed prison staff who are not yet identified. *Id.* at 2. On March 3, 2023, the AG's Office amended its notice stating service is "accepted on behalf of Dante Famy, James Scally, Robin Hennequin, and Jay Barth, who submitted requests for representation." ECF No. 77 at 3. The last known addresses for Kristi Roberson and Marie Cervas were filed under seal. ECF No. 75.

1 Based on the foregoing, the Court finds the Marshal's Office must attempt service on  
2 Defendants Kristi Roberson and Marie Cervas. Separately, the Deputy Attorney General must  
3 conduct a reasonable inquiry to determine, if possible, more complete identities for Nick, Mark,  
4 Graham, and Torres so that if service is not accepted, service of Plaintiff's Amended Complaint may  
5 be attempted.

6 Accordingly, IT IS HEREBY ORDERED that the Clerk of Court **must** issue summonses for  
7 Defendants Kristi Roberson and Marie Cervas and deliver the same to the U.S. Marshal for service  
8 together with two copies of this Order, Plaintiff's Amended Complaint (ECF No. 10), and the Court's  
9 Orders (ECF Nos. 9, 72) for service on these Defendants.

10 IT IS FURTHER ORDERED that the Clerk of Court **must** deliver to the U.S. Marshal's  
11 Office the summonses for Defendants Kristi Roberson and Marie Cervas with the addresses provided  
12 under seal for these Defendants (ECF No. 75).

13 IT IS FURTHER ORDERED that the Clerk of Court **must** send to Plaintiff **two** USM-285  
14 forms, together with a copy of this Order.

15 IT IS FURTHER ORDERED that Plaintiff **must** complete the USM-285 forms for  
16 Defendants Kristi Roberson and Marie Cervas to the best of his ability, and return the same to the  
17 Clerk's Office by mail no later than **April 24, 2023**.

18 IT IS FURTHER ORDERED that upon receipt of the completed USM-285 forms in the  
19 Clerk's Office, the Clerk of Court **must** file the USM-285 forms under seal, and deliver copies of  
20 the same to the U.S. Marshal within one day of receipt.

21 IT IS FURTHER ORDERED that the U.S. Marshal Service **must** attempt to effect service  
22 of the summonses, Plaintiff's Amended Complaint, and the Court's Orders on Defendants Kristi  
23 Roberson and Marie Cervas no later than **fifteen days** after receipt of the completed USM-285 forms.

24 IT IS FURTHER ORDERED that once Plaintiff receives copies of the USM-285 forms from  
25 the U.S. Marshal showing whether service has been accomplished, Plaintiff must file a notice with  
26 the Court identifying which defendant(s) were served and which were not served, if any. If Plaintiff  
27 wishes to have service again attempted on an unserved defendant(s), then a motion must be filed  
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1 with the Court identifying the unserved defendant(s) and specifying a more detailed name and/or  
2 address for said defendant(s), or whether some other manner of service should be attempted.

3 IT IS FURTHER ORDERED that the Deputy Attorney General **must** take steps to determine,  
4 if possible, more complete identities for Nick, Mark, Graham, and Torres so that if service is not  
5 accepted, service of Plaintiff's Amended Complaint may be attempted. The Deputy Attorney  
6 General **must** file with the Court the outcome of his/her attempts to identify these Defendants no  
7 later than **April 24, 2023**. If any of the above defendants are identified, the Deputy Attorney General  
8 **must** tell the Court whether service is accepted for such defendants and, if not, provide their last  
9 known addresses under seal.

10 IT IS FURTHER ORDERED that if Plaintiff fails to comply with his obligations under this  
11 Order, the Court will recommend dismissal of defendants and/or claims as appropriate.

12 DATED this 24th day of March, 2023.

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14 ELAYNA J. YOUCHAH  
15 UNITED STATES MAGISTRATE JUDGE  
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